

ORDER SHEET

APOT/283/2023
WITH
EC/563/2018
IA NO: GA/1/2023

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

ALOKE DAS
VS
CHOLAMANDALAM INVESTMENT AND FINANCE CO LTD AND ANR.

Before:

The Hon'ble Justice I. P. MUKERJI

And

The Hon'ble Justice BISWAROOP CHOWDHURY

Date: 25th August, 2023

Appearance:
Mr. Farhan Ghaffar, Adv.
....for the appellant.

Mr. Rohit Banerjee, Adv.
Mr. Rohan Kumar Thakur, Adv.
Mr. S. Das, Adv.
..for defendant

The Court: Order in terms of prayer (a) of the stay petition.

We are in a position to dispose of the appeal today itself,
dispensing with all formalities.

This appeal is against a judgement and order dated 14th August, 2023 of a learned Single Judge of this Court directing issuance of a warrant of arrest against the appellant for not filing the affidavit of his assets. Acceptance of the affidavit by the department was conditional upon his payment of costs of Rs.25,000/- . It appears that the costs were not tendered nor was the affidavit of assets which was stated to be ready by the appellant, filed.

After hearing learned counsel for the parties we direct the appellant to immediately file his affidavit of assets in the department of this Court by 30th August, 2023 upon payment of costs of Rs.30,000/- to the Advocate on record for the respondent No. 1. The additional cost

of Rs.5,000/- is imposed to at least partially reimburse the expenses of the respondent to contest this appeal.

The order dated 14th August 2023 is set aside only on fulfillment of the above condition. In default, the impugned order dated 14th August, 2023 shall be fully operative. Whether the appellant has paid the costs and filed the affidavit of assets by the stipulated date shall be contained in a certificate to be issued by the Registrar, High Court, Original side on which basis our order shall be effective.

The appeal and the application are disposed of.

(I. P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)